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Attorneys for Plaintiff
Intel Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

INTEL CORPORATION, a Delaware corporation,

Case No. CV 08 2908 MEJ

**STIPULATED PERMANENT INJUNCTION;
[PROPOSED] ORDER**

Plaintiff,

vs.

INTELLUS, INC., a North Carolina corporation,

Defendant.

The Parties hereto have reached a negotiated settlement of all claims which includes the entry of the following injunction against Defendant Intellus, Inc. (“Intellus”):

WHEREAS, Plaintiff Intel Corporation (“Intel”) filed this action against Intellus on June 11, 2008, asserting claims of Federal Trademark Infringement, Federal Trademark Dilution, Federal False Designation of Origin, California Trademark Infringement, California Trademark Dilution, California Statutory Unfair Competition, and California Common Law Passing Off and Unfair Competition; and

1 **WHEREAS**, the Parties have settled their dispute and respectfully ask that the Court enter
2 this injunction.

3 **Accordingly, it is ORDERED, ADJUDGED, and DECREED as follows:**

4 1. As of February 27, 2009, Intellus and its officers, agents, servants, employees, owners and
5 representatives, and all other persons, firms or corporations in active concert or
6 participation with it, are permanently enjoined and restrained from using in any manner
7 the INTEL mark, or any name, mark or domain name that wholly incorporates the INTEL
8 mark or is confusingly similar to or a colorable imitation of this mark, including, without
9 limitation, the Intellus, Inc. trade name, the INTELLUS trademark, and the
10 intellusinc.com domain name. Notwithstanding the foregoing, Intellus may continue to
11 use the mark INTELLUSCAN, provided that the INTEL (or INTELL) portion of the mark
12 is not emphasized, highlighted, set apart, or distinguished in any way, and provided that
13 the 'e' is not subscripted in relation to the other letters. Furthermore, notwithstanding any
14 other provision in this order, Intellus may continue to use the intellusinc.com domain
15 name solely for the purpose of automatically redirecting users, via URL redirection, to
16 another website through June 27, 2009.

17 2. As of February 27, 2009, Intellus and its officers, agents, servants, employees, owners and
18 representatives, and all other persons, firms or corporations in active concert or
19 participation with it, are permanently enjoined and restrained from doing any act or thing
20 calculated or likely to cause confusion or mistake in the minds of members of the public,
21 or prospective customers of Intel's products or services, as to the source of products or
22 services offered for sale, distributed, or sold, or likely to deceive members of the public,
23 or prospective customers, into believing that there is some connection between Intellus
24 and Intel.

1 3. As of February 27, 2009, Intellus and its officers, agents, servants, employees, owners and
2 representatives, and all other persons, firms or corporations in active concert or
3 participation with it, are permanently enjoined and restrained from committing any acts
4 which will tarnish, blur, or dilute, or are likely to tarnish, blur, or dilute, the distinctive
5 quality of the famous INTEL mark.
6
7 4. No later than February 27, 2009, Intellus shall take all steps necessary to remove the name
8 “Intellus,” and any other of its business names that contain “Intel,” from the records of the
9 State of North Carolina and any other states in which Intellus is incorporated or qualified
10 to do business.
11
12 5. No later than February 27, 2009, Intellus shall remove all content from the website
13 www.intellusinc.com, and it shall let the domain registration lapse when it is set to expire
14 on January 27, 2013.

15 Dated: June 22, 2008

16 Respectfully submitted,

17 HARVEY SISKIND LLP

18 By: 
Seth I. Appel

19 Attorneys for Plaintiff
20 INTEL CORPORATION

21 INTELLUS, INC.

22 By: 
Charles Wilson

23 IT IS SO ORDERED this ____ day of _____, 2008.

24
25
26
27 The Honorable Maria-Elena James
28 United States Magistrate Judge

PROOF OF SERVICE

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The undersigned declares: I am a resident of the United States and am employed in the City and County of San Francisco, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 4 Embarcadero Center, 39th Floor, San Francisco, CA 94111.

On the date stated below, I served the following documents:

• **STIPULATED PERMANENT INJUNCTION; [PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope and served in the manner described below to the interested parties herein and addressed to:

Mr. Charles Wilson
Intellus, Inc.
700 S. Salisbury Street
Raleigh, NC 27601

X

MAIL: I caused such envelope(s) to be deposited in the mail at my business address, with postage thereon fully prepaid, addressed to the addressee(s) designated. I am readily familiar with the business practice of collecting and processing correspondence to be deposited with the United States Postal Service on that same day in the ordinary course of business.

FEDERAL EXPRESS – OVERNIGHT DELIVERY: I caused such envelope to be deposited with the Federal Express Office prior to the cut-off time for next day delivery with a shipping label properly filled out with delivery to be made to the addressee designated.

HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

VIA FAX: The facsimile machine I used complied with California Rules of Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

X

(FEDERAL): I declare that I am employed by the office of a member of the bar of this court at whose direction the service was made.

(STATE): I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 7, 2008 at San Francisco, California.


Cynthia Lee